

REMARKS

Substance of Interview

Applicant's representative Elliott Mason (Reg. No. 56,569) and his colleague Frank Gerratana (Reg. No. 62,653) thank the Examiner for the telephone interview on November 6, 2008. In accordance with MPEP Section 713.04, the substance of the interview is included herein. No exhibits were shown.

Regarding the 35 U.S.C. 103 rejections, Applicant's representative asked questions (submitted in advance in writing) in order to obtain clarification of the particular parts of the cited portions of the references being relied upon to reject the claims.

The Examiner clarified how he believes the claim elements correspond to the cited portions. Applicant's representative pointed out that the references do not appear to disclose "at least some of the low-level data units containing boundary demarcation information," as recited in claim 1. The Examiner agreed to reconsider the rejection.

Applicant's representative pointed out that the references do not appear to disclose "at least some information common to the ... high level data units is not repeated for each high level data unit encapsulated in the stream," as recited in claim 2. The Examiner agreed to reconsider the rejection. Further, the Examiner suggested an amendment to claim 2 solely for the purpose of clarity. Further, Applicant's representative suggested that the rejections of claims 65-67 did not clearly explain how the cited portions of the references were understood to render the claims obvious. The Examiner agreed that the rejections were not sufficiently specific and will make any further rejections of these claims in a non-final office action.

Prior art Rejections

Claims 1-3, 12, 57-60, and 65-67 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi et al. (US 2002/0001314) in view of Famolari (US 2005/0053066). Claims 4-8, 17-19, 28-36, 44-46, and 61-64 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi and Famolari, in view of Rosengard et al. (US 2005/0063402). Claims 9-11, 49-56, and 68 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi and Famolari in view of Rakib et al.

(US 2002/0015423). Claims 14-16 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi, Famolari, and Rosengard, in view of Gibson *et al.* (US 6,445,717). Claim 20-27 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi, Famolari, and Rosengard, in view of Del Prado Pavon *et al.* (US 2004/0047351). Claims 38-40 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi, Famolari, Rosengard, and Jiang (US 6,765,885), in view of Henson (US 2002/0131591). Claims 13, 41-43 and 47-48 stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi, Famolari, and Rosengard, in view of Rakib (US 2002/0015423).

Independent claims 1, 49, and 57

Applicant submits that no combination of the references teaches or suggests at least that “at least some of the low level data units containing boundary demarcation information indicating boundaries between the sub-frames in the stream,” as recited by each of claims 1, 49, and 57.

On page 3 of the Office Action, the Examiner cites Famolari, paragraph [0128], as disclosing this feature. Famolari discloses a Fragmented Service Data Unit (FSDU), and in the interview, the Examiner regarded the FSDU as equivalent to the “low level data unit[]” of the claims. The FSDU, however, does not “contain[] boundary demarcation information indicating boundaries between the sub-frames in the stream,” as claimed.

The claims refer to “sub-frames”, which are “encapsulate[ed]...into a stream of sub-frames” and “divid[ed]...into a plurality of pieces.” Further, the claims separately refer to the “low-level data units” as “containing a plurality of [these] pieces.”

In the Office Action, the Examiner refers to paragraph [0128] and says that “[d]isclosing the data portion length of the corresponding MPDU reads on claim language boundary demarcation information indicating boundaries between the sub-frames in the stream.” However, the boundaries between MPDUs cannot be equivalent to “boundaries between the sub-frames in the stream.” The MPDU is a component of the FSDU, representing a fragment of the *aggregated* data stream. If the FSDU is held to be equivalent to the “low level data unit,” as the

examiner asserted in the interview, then the MPDU can only be held to be equivalent to the “pieces into which the encapsulated stream was divided.” Referring to Famolari:

Next, “fragment” may determine how many fragments, or MPDUs, will be required to transmit the pending MSDU. (Famolari, paragraph [0060])

In summary, at this point there may be a single FSDU that contains an array where each MPDU associated with the MSDU resides. (Famolari, paragraph [0064])

Thus, an MPDU could only resemble one of the “plurality of the pieces into which the encapsulated stream was divided,” as recited by the claims. The MPDU is not analogous to the sub-frame recited by the claims.

Thus, the data portion length of the corresponding MPDU recited by the Examiner could be understood to be equivalent to the boundaries between the *pieces* into which the encapsulated stream was divided, but cannot be understood to be equivalent to the boundaries between the *sub-frames* in the stream.

Further, paragraphs [0059] – [0064] of Famolari discuss the composition of the FSDU. Nothing in these paragraphs, or elsewhere in Famolari, is understood to disclose or suggest that the FSDU contains “boundary demarcation information indicating boundaries between the sub-frames in the stream.”

Accordingly, Applicant submits that claims 1, 49, and 57 are patentable over the references. As noted above, the Examiner agreed to reconsider the rejection of claim 1.

Dependent claims 2-3

Applicant has amended claim 2 as suggested by the Examiner in the interview, solely for the purpose of clarity. Applicant has also amended claim 3 in a similar fashion for the same reason.

Applicant submits that no combination of the references teaches or suggests that “at least some information common to the high level data units is not repeated for each high level data unit encapsulated in the stream,” as recited by claim 2.

Accordingly, Applicant submits that claim 2, and claim 3 (which is dependent on claim 2) are patentable over the references. As noted above, the Examiner agreed to reconsider the rejection of claim 2.

Dependent claims 65-67

The Examiner cites Famolari, paragraphs [0124] - [0130], as disclosing the subject matter of dependent claims 65-67. However, aside from quoting Applicant's own claim language, the Examiner has not provided any indication of the particular parts of these paragraphs being relied upon.

Applicant respectfully points out that 37 CFR 104(c)(2) requires that "when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." Additionally, 35 U.S.C. 132 requires that Applicant must be provided with reasons for the rejections "together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application." It has been found that a claim rejection violates 35 USC 132 if it "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 906 F.2d 1574, 1578 (Fed. Cir. 1990).

Dependent claims 4-48, 50-56, 58-64, and 68

These dependent claims stand rejected under 35 U.S.C. 103(a) as unpatentable over Yi and Famolari in view of one or more additional references as shown above, however, no proper combination of Yi and Famolari and any of the additional references teaches or suggests the subject matter of the independent claims found to be lacking in Yi and Famolari. These dependent claims are properly dependent on a respective one of the independent claims, and are thus allowable therewith. These dependent claims add one or more further limitations, which are not presently relied upon to establish patentability. For that reason, and not because Applicant

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agrees with the Examiner, no rebuttal is offered to the Examiner's reasons for rejecting these dependent claims.

The required fee in the amount of \$130 for the Petition for Extension of Time is being paid on the Electronic Filing System (EFS) by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 04838-0077001.

Respectfully submitted,

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